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11 *Attorneys for Plaintiff/Counter-Defendant,*
12 *Palm Avenue Hialeah Trust, a Delaware*
13 *Statutory Trust, for and on behalf and solely*
14 *with respect to Palm Avenue Hialeah Trust, series 2014-1*

15 **UNITED STATES DISTRICT COURT**

16 **DISTRICT OF NEVADA**

17 PALM AVENUE HIALEAH TRUST, A
18 DELAWARE STATUTORY TRUST FOR
19 AND ON BEHALF AND SOLELY WITH
20 RESPECT TO PALM AVENUE HIALEAH
21 TRUST, SERIES 2014-1,

22 Plaintiff,

23 v.

24 SPINNAKER POINT AVENUE TRUST;
25 RIVER GLIDER AVENUE TRUST;
26 SATICOY BAY, LLC SERIES 5982
27 SPINNAKER POINT AVENUE;
28 MOUNTAIN GATE AT SUNRISE
29 MOUNTAIN HOMEOWNERS'
ASSOCIATION; ABSOLUTE
COLLECTION SERVICES, LLC,

30 Defendants.

31) Case No.: 2:17-cv-00445-APG-VCF

32) **FIRST STIPULATION AND ORDER**
33) **TO EXTEND THE DEADLINE FOR**
34) **PALM AVENUE TO FILE ITS**
35) **REPLY BRIEF IN SUPPORT OF**
36) **ITS MOTION FOR ASSIGNMENT**
37) **OF RENTS**

38) **[FIRST REQUEST]**

39) **Current Reply Deadline: May 22, 2023**
40) **Proposed Deadline: May 24, 2023**

41)
42) SATICOY BAY, LLC SERIES 5982
43) SPINNAKER POINT AVENUE,

44) Counterclaimants,

45) v.

46) PALM AVENUE HIALEAH TRUST, A
47) DELAWARE STATUTORY TRUST FOR
48) AND ON BEHALF AND SOLELY WITH
49) RESPECT TO PALM AVENUE HIALEAH
50) TRUST, SERIES 2014-1,

51) Counter-Defendant.

1 Plaintiff and Counter-Defendant, Palm Avenue Hialeah Trust, a Delaware Statutory Trust,
 2 for and on behalf and solely with respect to Palm Avenue Hialeah Trust, series 2014-1 (“Palm
 3 Avenue”), and Defendants and Counterclaimants Saticoy Bay, LLC Series 5982 and Spinnaker
 4 Point Avenue (“Defendants”) (collectively, the “Parties”), by their attorneys, hereby submit the
 5 following Stipulation and Order to Continue the May 22, 2023 deadline for Palm Avenue to File
 6 its Reply Brief in support of its Motion for Assignment of Rents to May 24, 2023 pursuant to LR
 7 IA 6-1 and LR 7-1 (the “Stipulation”). This Stipulation is submitted in good faith and not intended
 8 to cause any delay to this Court.

9 **RECITALS**

10 WHEREAS, Palm Avenue’s predecessor-in-interest filed the instant action on February
 11 9, 2017. *See* Dkt. 1.

12 WHEREAS, on August 22, 2017 Palm Avenue’s predecessor-in-interest filed an
 13 Amended Complaint asserting the following claims: (1) quiet title; (2) declaratory relief; (3)
 14 permanent and preliminary injunction; and (5) unjust enrichment (the “FAC”). *See* Dkt. 27.

15 WHEREAS, on October 10, 2019, Defendants filed their Answer and Affirmative
 16 Defenses to the FAC and filed the following counterclaims against the Trustee: (1) quiet title; and
 17 (2) declaratory relief. *See* Dkt. 49.

18 WHEREAS, on November 1, 2022, Palm Avenue’s predecessor-in-interest filed its
 19 Motion for Summary Judgment as to the First Amended Complaint as well as Counterclaimant
 20 Saticoy Bay LLC Series 5982 Spinnaker Point Avenue, Spinnaker Point Trust’s Counterclaims
 21 (the “Motion for Summary Judgment”).

22 WHEREAS, on February 22, 2023, the Court granted Palm Avenue’s predecessor-in-
 23 interest’s Motion for Summary Judgment.

24 WHEREAS, on May 1, 2023, Palm Avenue filed its Motion for Assignment of Rents
 25 (“Motion for Assignment”).

26 WHEREAS, on May 15, 2023, Defendants filed their Opposition to Palm Avenue’s
 27 Motion for Assignment (“Opposition”).

28 WHEREAS, Palm Avenue’s Reply Brief in support of its Motion for Assignment is

1 currently due no later than May 22, 2023.

2 WHEREAS, due to the nature of Defendant's Opposition and due to Palm Avenue's
3 counsel needing additional time to properly respond to the Opposition as well as additional
4 conflicts on May 22, 2023, Palm Avenue's counsel requests a brief two-day extension to file its
5 Reply in support of its Motion for Assignment.

6 WHEREAS, this Stipulation is submitted in good faith and not to cause unnecessary delay.

7 *Agreement*

8 **NOW THEREFORE, IT IS HEREBY STIPULATED** by and between the Parties to
9 this litigation as follows:

10 1. The May 22, 2023 deadline for Palm Avenue to file its Reply in Support of its
11 Motion for Rents be extended to May 24, 2023.

12 Dated: May 19, 2023

MAURICE WUTSCHER LLP

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19 *Statutory Trust, for and on behalf and*
20 *solely with respect to Palm Avenue*
21 *Hialeah Trust, series 2014-1*

22 Dated: May 19, 2023

ROGER P. CROTEAU &
ASSOCIATES

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27 *Attorneys for Defendant and*
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28 *SPINNAKER POINT AVENUE TRUST,*

*RIVER GLIDER AVENUE TRUST, and
SATICOY BAY, LLC SERIES 5982
SPINNAKER POINT AVENUE*

Signature Attestation

I hereby attest under the penalty of perjury that on May 19, 2023, counsel for defendants approved this Stipulation and gave me permission to electronically sign this Stipulation on his behalf.

/s/ Patrick J. Kane
Patrick Kane

ORDER

IT IS SO ORDERED.

Dated this 22nd day of May 2023.

Clayton J. Zouchah
UNITED STATES MAGISTRATE JUDGE